

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA, )  
 ) Case No. 1:21-CR-00053  
 ) (WMS)  
 )  
 Plaintiff, )  
 )  
 vs. ) December 1st, 2021  
 ) 3:07 p.m.  
 DAVID MONDORE, )  
 )  
 Defendant. )

**TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE WILLIAM M. SKRETNY  
SENIOR UNITED STATES DISTRICT JUDGE**

APPEARANCES:

For the Plaintiff: TRINI E. ROSS, ESQ.  
UNITED STATES ATTORNEY  
BY: CHARLES KRULY, ESQ.  
ASSISTANT UNITED STATES ATTORNEY  
138 Delaware Avenue  
Buffalo, NY 14202

For the Defendant: FEDERAL PUBLIC DEFENDER'S OFFICE  
BY: JEFFREY BAGLEY, ESQ.  
ASSISTANT FEDERAL PUBLIC DEFENDER  
300 Pearl Street, Suite 450  
Buffalo, NY 14202

Probation Officer: JACLYN SAINSBURY

Victim: NATALIE CLAUS

Court Reporter: MEGAN E. PELKA, RPR  
Robert H. Jackson US Courthouse  
2 Niagara Square  
Buffalo, NY 14202  
(716) 364-6449

03:07PM 1 THE CLERK: Criminal case 21-53 United States vs.  
03:07PM 2 David Mondore.

03:07PM 3 THE COURT: Okay. Good afternoon everyone. As you  
03:08PM 4 can see, my staff does not have masks. If any of you wish to  
03:08PM 5 remove yours, we are all vaccinated and whatever makes the  
03:08PM 6 attorneys and the parties and the visitors most comfortable,  
03:08PM 7 you're free to do that in the courtroom.

03:08PM 8 This matter is set for sentencing. I'm ready to proceed.  
03:08PM 9 It's been around for some time now and I have reviewed, in  
03:08PM 10 detail, the submissions. And for record purposes I'm going to  
03:08PM 11 ask the attorneys and the individual who is being sentenced  
03:08PM 12 today to identify himself for the record. If you would start  
03:08PM 13 with the government please, Mr. Kruly?

03:08PM 14 MR. KRULY: Yes, Your Honor. Charles Kruly for the  
03:08PM 15 United States. Good afternoon.

03:08PM 16 THE COURT: Good afternoon.

03:08PM 17 MR. BAGLEY: Good afternoon, Judge. Jeff Bagley for  
03:08PM 18 Mr. David Mondore.

03:08PM 19 THE COURT: All right, Mr. Bagley. Good afternoon.

03:08PM 20 THE DEFENDANT: Good afternoon, Your Honor. David  
03:09PM 21 Mondore.

03:09PM 22 THE COURT: All right, Mr. Mondore. Good afternoon.  
03:09PM 23 As you know, you have certain rights that relate to  
03:09PM 24 sentencing. I know that we talked about this back when you  
03:09PM 25 pled guilty back in June of this year. But specifically, if

03:09PM 1 there is going to be an appeal, one, you have an attorney  
03:09PM 2 right until your case is complete in all respects. If you are  
03:09PM 3 going to take an appeal, you need to be eligible, and that  
03:09PM 4 requires that you or your attorney file a Notice of Appeal  
03:09PM 5 within 14 days after I complete your sentencing. Do you  
03:09PM 6 understand that?

03:09PM 7 THE DEFENDANT: Yes, sir.

03:09PM 8 THE COURT: Okay. I am going to give you the  
03:09PM 9 opportunity to make a statement and I will listen very  
03:09PM 10 carefully to what you have to say. You don't have to say  
03:09PM 11 anything. I've reviewed all the submissions, the legal brief  
03:10PM 12 of your attorney, his sentencing factor statements, the  
03:10PM 13 government's memorandum with respect to sentencing.

03:10PM 14 There's also a very detailed presentence report that was  
03:10PM 15 authored by Ms. Sainsbury who is here from probation. And the  
03:10PM 16 report itself was originally dated back in August and it was  
03:10PM 17 amended in October or at least updated in October.

03:10PM 18 Is there anything since that time, Ms. Sainsbury, that  
03:10PM 19 needs to be added?

03:10PM 20 P.O. SAINSBURY: No more changes, Your Honor.

03:10PM 21 THE COURT: Okay. Thank you. I have reviewed that  
03:10PM 22 report in detail. I take it, Mr. Bagley, you've received it  
03:10PM 23 and discussed it with Mr. Mondore?

03:10PM 24 MR. BAGLEY: Yes, Judge. We have.

03:10PM 25 THE COURT: Okay. And Mr. Mondore, you're familiar

03:10PM 1 with it and discussed it with your attorney, correct?

03:10PM 2 THE DEFENDANT: Yes, sir.

03:10PM 3 THE COURT: Okay. As you know, there's a lot of  
03:10PM 4 information in there and I will consider all of that  
03:10PM 5 information. I'm going to seal the report. I do that as a  
03:11PM 6 matter of course and for obvious reasons because there's  
03:11PM 7 information in the report that certain individuals would not  
03:11PM 8 want made public. I think it's a fairer process to seal it.  
03:11PM 9 But just so everybody is on notice, I am relying on the  
03:11PM 10 information in that particular report for purposes of coming  
03:11PM 11 to what should be a final sentence in this case.

03:11PM 12 My objective in this case, like it is in every case, is to  
03:11PM 13 impose a sentence that's sufficient but not greater than  
03:11PM 14 necessary and that's not necessarily an easy task. And I'm  
03:11PM 15 going to work at, again, incorporating everything that's  
03:11PM 16 brought to my attention today that will supplement the  
03:12PM 17 information in the presentence report; in particular, what's  
03:12PM 18 at paragraphs 11 through 27 on pages 4 through 9.

03:12PM 19 That information is the factual basis that supports both  
03:12PM 20 the plea that was taken before me and that together with the  
03:12PM 21 mitigating and aggravating circumstances will support the  
03:12PM 22 sentence that will be imposed today. There's a lot at stake  
03:12PM 23 here. This is a case that does concern me. Like every case,  
03:12PM 24 it should be that way. I mean, if you are a Judge and you  
03:12PM 25 sentence without being concerned, the likelihood that the

03:12PM 1 sentence is appropriate is diminished.

03:12PM 2 And I say that there's cause for concern here because this  
03:12PM 3 is a different kind of fraud case, at least from my  
03:13PM 4 perspective, and that's addressed in the submissions from the  
03:13PM 5 attorneys and from probation. But it's a kind of fraud that  
03:13PM 6 was and can be perpetuated without a face-to-face contact with  
03:13PM 7 what turns out to be eventually the victims in this case.

03:13PM 8 And what the case does -- and I don't know profess to be  
03:13PM 9 up to speed, I think, in terms of all of the intellectual and  
03:13PM 10 practical developments of the internet, but I know enough to  
03:13PM 11 know that a scheme like this and crime like this reflects the  
03:13PM 12 dark side, if you will, the negative side, of social media  
03:13PM 13 applications. And that makes it easy to take advantage of  
03:14PM 14 others and individuals who become victims and that's what was  
03:14PM 15 done here.

03:14PM 16 And the numbers to me are substantial. I don't know how  
03:14PM 17 many individuals could be touched by a scheme like this. I  
03:14PM 18 know that in this case we're talking about 300 or so Snapchat  
03:14PM 19 accounts and we have at least 14 established victims.

03:14PM 20 MR. KRULY: In this district. Correct.

03:14PM 21 THE COURT: In this district. And one victim is a  
03:14PM 22 lot. Fourteen is more than a lot. I mean, that's no  
03:14PM 23 mathematical genius statement, I guess, but that's a lot. And  
03:14PM 24 the ramifications and the results to individual victims can be  
03:14PM 25 devastating and catastrophic. And that's not overstating it

03:15PM 1 because so many of these matters involve the most personal  
03:15PM 2 sides of individuals. And I've read the victim letter in this  
03:15PM 3 case. And I know a lot about you. And there's a lot of what  
03:15PM 4 I consider to be positive qualities and I read the seven  
03:15PM 5 letters that are part of my file that were sent to me.

03:15PM 6 I mean, frankly, to me, everything doesn't quite add up,  
03:15PM 7 but that's usually the case because I don't have all the  
03:15PM 8 information. And that's why listening to you and your  
03:15PM 9 attorney will probably make a difference because I have not  
03:15PM 10 really decided what the actual sentence should be. And I'll  
03:16PM 11 explain to you why and then I'll listen to your attorney  
03:16PM 12 first.

03:16PM 13 And I know he knows by my statement that I've read all of  
03:16PM 14 the materials and I've read from him a memorandum of --  
03:16PM 15 relating to sentencing that's very persuasive. And I'll say  
03:16PM 16 the same thing to Mr. Kruly, because the government's  
03:16PM 17 positions are also very well-put and persuasive. So that  
03:16PM 18 information has to be sorted through.

03:16PM 19 I mentioned what was troubling to me in terms of the  
03:16PM 20 numbers and the effect that this kind of crime can have on  
03:16PM 21 individuals. You know what I think is important here, is now  
03:16PM 22 you've got yourself in a hole that you've dug for yourself.  
03:16PM 23 And you're going to go through life with the label of being a  
03:17PM 24 convicted felon. And that's significant. That's something  
03:17PM 25 that you're going to have to overcome.

1 I -- you know, I look at the letters that have been sent  
2 to me and I mean they're very positive. They talk about what  
3 a hard worker you are. They talk about where your friends met  
4 you at a church youth group. And you're characterized as an  
5 honorable guy and smart and creative and visionary. All those  
6 things are, I'm sure, what you are in many respects.

7 On the other hand, you know, what I don't get is I think  
8 the gentleman that wrote from -- is it Witchcraft, which was  
9 the company that I guess you were going to be hired as a  
10 consultant before it went under and it seemed to me that that  
11 says a lot for you in one respect. And then I look at your  
12 personal financial situation and your negative net worth is  
13 \$65,000. For a supposedly talented guy, something is amok and  
14 I don't know exactly what it is.

15 But the key here is, to me, is a guy that has a lot of  
16 talent. I guess your culinary expertise is what most  
17 individuals seem to highlight as a talent that they don't see  
18 that often. And, I mean, I must admit you don't look like a  
19 typical chef but nonetheless, that kind of talent with that  
20 kind of persona can be a real plus, but when you balance where  
21 you could be and what you got yourself into with the hurt that  
22 you've caused in the process, that's hard to reconcile.

23 So with that, Mr. Bagley, it's a difficult case to  
24 sentence. And you and me, we spar every now and then with the  
25 various cases that you are involved in, but and I always

03:19PM 1 listen to what you have to say and this case is no exception.  
03:19PM 2 I do want to hear from you. I really don't want to get into  
03:19PM 3 the repetition of the facts beyond what I basically talked  
03:19PM 4 about because they don't affect the calculations.

03:20PM 5 And just so I don't forget to do it for the record, some  
03:20PM 6 of this, as you probably know Mr. Mondore, I have to do for  
03:20PM 7 record purposes, otherwise the sentencing is not recognized as  
03:20PM 8 legally sufficient, but the numbers in the presentence report  
03:20PM 9 are correct and you know what they are better than I know  
03:20PM 10 probably because the numbers are 17 for the crime and a  
03:20PM 11 criminal history of I. And again, that's a mitigating factor.  
03:20PM 12 And the fact that you had -- and I know Ms. Sainsbury from  
03:20PM 13 probation has emphasized the fact that there is virtually no  
03:20PM 14 prior criminal history and that's a plus.

03:20PM 15 So how you got yourself into this mess, I'll never figure  
03:20PM 16 that out, but the sentence has to address the end result. And  
03:20PM 17 the advisory range for purposes of sentencing is 24 to 30  
03:20PM 18 months. That's a lot of time. And as I look at it, any day  
03:21PM 19 in jail is a lot of time, but there has to be accountability  
03:21PM 20 for adult conduct. And you're what, 30 years old?

03:21PM 21 THE DEFENDANT: Yes, sir.

03:21PM 22 THE COURT: So you're not a kid. There has to be  
03:21PM 23 uniformity at sentence and there has to be deterrence so that  
03:21PM 24 the avenues aren't open to just anybody that wants to mess  
03:21PM 25 with peoples' private lives. And these Snapchat accounts were



03:21PM 1 so easy to access and you took advantage of that, but others  
03:21PM 2 shouldn't. And sometimes sentencing has to send that message.  
03:21PM 3 All right. Mr. Bagley?

03:21PM 4 MR. BAGLEY: Thank you, Judge. You know, as you  
03:21PM 5 often do, Your Honor, I thought that you encapsulated some of  
03:21PM 6 the contrast, some of the overriding issues that go into this  
03:22PM 7 sentencing -- especially for David -- going into every  
03:22PM 8 sentencing, especially for this one with David, Judge. And  
03:22PM 9 sentencing is often a host of different contrast, different  
03:22PM 10 interests competing. Obviously your job, an unenviable one as  
03:22PM 11 it is, is to arrive at a sentence that is just but no greater  
03:22PM 12 than necessary.

03:22PM 13 I think, for David, that one of the head scratchers is, is  
03:22PM 14 how does somebody who leads this -- for 28, 29 years, leads --  
03:22PM 15 I hate the word normal, Judge, but leads a perfectly lawful  
03:22PM 16 and I will use the word normal life, average life, maybe  
03:22PM 17 better than average life, Judge, right?

03:22PM 18 As you point out, he is a skilled chef, a skilled  
03:22PM 19 businessman, a dedicated son, dedicated brother, and overall a  
03:23PM 20 good person, but yet he finds himself sitting here, Judge,  
03:23PM 21 next to me awaiting sentencing for a federal crime. One of  
03:23PM 22 the explanations, not an excuse, but one explanation is that  
03:23PM 23 David just didn't simply -- simply didn't realize the gravity  
03:23PM 24 and the seriousness of what he was doing when he was doing it  
03:23PM 25 sitting behind a computer, not realizing that he's having an

03:23PM 1 actual and real effect on other people out there in the real  
03:23PM 2 world. And again, that does not excuse David's conduct, but I  
03:23PM 3 think it helps to explain it. And there is no question, as we  
03:23PM 4 sit here today, that David now understands and realizes the  
03:23PM 5 severity of his conduct, realizes that what he did was  
03:24PM 6 extremely wrong and is ashamed of himself for engaging in that  
03:24PM 7 conduct.

03:24PM 8 And so that's important obviously, Judge, because it goes  
03:24PM 9 to whether or not in every sentencing, I think the Court has  
03:24PM 10 to consider is this individual that I'm sentencing, am I going  
03:24PM 11 to see him here again at some point in the future? Is he  
03:24PM 12 going to engage in this conduct? Am I going to be available  
03:24PM 13 to protect the public from this type of conduct? Do I have to  
03:24PM 14 send this individual in prison to order to protect against  
03:24PM 15 this type of conduct?

03:24PM 16 And I think in the case of David, there should be no doubt  
03:24PM 17 that he has for, again, lack of a better word, learned a very,  
03:24PM 18 very hard lesson here that what he did, the conduct that he  
03:24PM 19 engaged in is not tolerated and he understands that now.  
03:24PM 20 There's no question about it.

03:24PM 21 How many defendants, Judge, do you sentence where that  
03:25PM 22 defendant can say, after I pled guilty to this, after I  
03:25PM 23 realized what I did was wrong, I got to sit down with my mom,  
03:25PM 24 got to sit down with my mother and discuss that. And I  
03:25PM 25 thought that that part of his mother's letter to Your Honor

1 was telling because, you know, it showed that he takes this  
2 very seriously. It's not just a letter that you receive often  
3 from a family member that says all the good things about the  
4 defendant, but this letter says that they actually talked  
5 about the crime itself and how it affected the victims and the  
6 way that he felt about it. And so that shows the type of  
7 growth that I think the Court should consider. It goes to the  
8 history and characteristics of David.

9 THE COURT: Yeah, I know it does and I noted that in  
10 the record. I didn't mean to interrupt you, but the comment  
11 from your mother was very compelling. And she didn't avoid  
12 the seriousness of what's involved here because it does, in  
13 the second-to-last paragraph say, my son was caught up in  
14 something very hurtful to others and downright wrong legally  
15 and morally and that's really what we're dealing with here.

16 MR. BAGLEY: Right, Judge. Right. And so I don't  
17 have much else to say. I know that David does have words that  
18 he would like to share with the Court. I will just conclude  
19 by saying that the conduct itself, he wasn't targeting minors,  
20 he didn't coerce, didn't sell images that he received, was not  
21 out about some sort of animus or some sort of revenge. So  
22 none of those aggravating factors that sometimes exist in  
23 cases like this exist for David. So I'll conclude with that  
24 and ask that the Court listen to Mr. Mondore.

25 THE COURT: Okay, Mr. Bagley. Thank you.

03:27PM 1 Mr. Mondore?

03:27PM 2 THE DEFENDANT: Thank you, Your Honor. I would just  
03:27PM 3 like to say a few things. I was raised to have a positive  
03:27PM 4 impact on everybody I encounter. And for most of my life, I  
03:27PM 5 have lived that way. Unfortunately -- and I had to take  
03:27PM 6 responsibility. I let down my family, friends, loved ones who  
03:27PM 7 look up to me and I really hurt people and their loved ones,  
03:27PM 8 their friends.

03:27PM 9 And reading the victim's letter was very difficult, as  
03:28PM 10 I've always tried to help people progress and I obviously had  
03:28PM 11 the exact opposite effect; not just on this person, but on --  
03:28PM 12 and it's hard. Like, to them, I'm a monster and that's  
03:28PM 13 deserved. And to the families -- and they'll always probably  
03:28PM 14 view me as that, and that's fair, but it's also hard to be  
03:28PM 15 that person. And I like -- I won't live the rest of my life  
03:28PM 16 like that.

03:28PM 17 I just refuse to let all the people who still support me  
03:28PM 18 down again and to do that damage. Thank you. And I don't  
03:29PM 19 know if it's appropriate, but I'd like to personally apologize  
03:29PM 20 to the victim here today and their family. I'm very sorry for  
03:29PM 21 what I caused you. I don't deserve your forgiveness. I'm  
03:29PM 22 sorry.

03:29PM 23 THE COURT: Okay. Thank you. Mr. Kruly?

03:29PM 24 MR. KRULY: Judge, I'm going to yield most of my time  
03:29PM 25 to Natalie Claus, one of the victims in this case who would

1 like to exercise her right under the Crime Victims Act to  
2 address the Court and I'll have a few brief comments. If the  
3 Court would indulge me, I'll get Ms. Claus.

4 Judge, the reason why I'm really not going to spend much  
5 time talking is because I think Ms. Claus can say in a way  
6 that I never can and emphasize in a way that I never can why  
7 this is not a victimless crime. I think the Court hit the  
8 nail on the head. This is an intensely personal crime that  
9 strikes at the heart of a person's sense of privacy. It's the  
10 21st century and akin to, frankly, breaking into someone's  
11 home and stealing their deepest secrets, their diary, their  
12 photos, their family treasures.

13 The internet just allows people to do this on an  
14 industrial scale over and over and over and lowers the risk,  
15 increases the reward. And when a crime is so easy to commit  
16 over and over hundreds of times without any meaningful risk or  
17 any meaningful chance of being caught, I think that a  
18 guideline sentence is sufficient but not greater than  
19 necessary to promote of the purpose of sentencing and  
20 specifically the seriousness of the crime and the need to  
21 deter others.

22 So with that, Judge, I'm going to yield to Ms. Claus.

23 MS. CLAUS: Forgive me. It's a bit long.

24 THE COURT: Sure. State your name please.

25 MS. CLAUS: My name is Natalie Claus.

03:31PM 1 THE COURT: Okay. You know that I read the statement  
03:31PM 2 that is part of the file --  
03:31PM 3 MS. CLAUS: I do.  
03:31PM 4 THE COURT: -- that goes to the affect on you of what  
03:31PM 5 took place, right?  
03:31PM 6 MS. CLAUS: Yes.  
03:31PM 7 THE COURT: All right.  
03:31PM 8 MS. CLAUS: I'm a history major. I wanted to  
03:31PM 9 introduce myself a little bit. I'm a history major --  
03:31PM 10 THE COURT: At Geneseo.  
03:31PM 11 THE DEFENDANT: -- at Geneseo. I was supposed to  
03:31PM 12 graduate last May, a full year early. I'm graduating in a  
03:31PM 13 couple weeks which is still a semester early, but it's not  
03:31PM 14 what I planned. If I may, I'd like to address the defendant  
03:31PM 15 directly. I don't know what that night was like for you.  
03:31PM 16 Honestly, I doubt you even remember it, but I do. I remember  
03:31PM 17 every detail.  
03:31PM 18 It was December 5th. I had just turned 19 two months  
03:32PM 19 before. Finals week was coming up and I had a project due for  
03:32PM 20 my African Nationalism History class due the next day. I was  
03:32PM 21 sitting in one of the academic buildings in a booth with a  
03:32PM 22 bunch of my sorority sisters and we were just doing homework  
03:32PM 23 and talking and joking and laughing. I stood up and walked  
03:32PM 24 over to one of the printers to get some research for my  
03:32PM 25 project and my friend Cassidy walked past me and she said,

03:32PM 1 cute picture, but be careful who you send that to. And I  
03:32PM 2 asked her what she was talking about. And she said, the  
03:32PM 3 Snapchat you just sent me. And I said, I'm not logged into my  
03:32PM 4 Snapchat. I've been working. I haven't been on my phone in  
03:32PM 5 over an hour. The look on her face is -- I will never forget  
03:32PM 6 the look on her face. It was horrifying as she realized that  
03:33PM 7 I really didn't know what she was talking about.

03:33PM 8 And it was like a scene from a movie. You know they say  
03:33PM 9 everything around you slows, my ears were ringing, and I felt  
03:33PM 10 like I couldn't breathe, and honestly I don't think I was.  
03:33PM 11 All I could focus on was making it back to the booth. I was  
03:33PM 12 fumbling for my phone and then there was a sinking realization  
03:33PM 13 that this wasn't a dream, that this was happening.

03:33PM 14 And then there was a phone call from my mother who knew  
03:33PM 15 before I did, because one of the people you sent that photo to  
03:33PM 16 was my cousin. My mom's niece and my aunt overheard her  
03:33PM 17 talking about it and called my mom who called me. I started  
03:33PM 18 hyperventilating and sobbing in the middle of the building  
03:33PM 19 which is what I'm doing now and I hate doing it. And people  
03:34PM 20 were staring. And it was because of you.

03:34PM 21 I called UPD. The only officers on duty were men and  
03:34PM 22 that's who I had to tell. One of them was fine and the other  
03:34PM 23 one had this look on his face like he was judging me like it  
03:34PM 24 was my fault for even having those photos in the first place.  
03:34PM 25 I walked home in the cold and my friend Kate took everything

03:34PM 1 in my dorm room that was sharp so that I couldn't hurt myself.  
03:34PM 2 She made me eat something, but when she left, I was so close  
03:34PM 3 to ending it. I didn't think anyone was going to help me. I  
03:34PM 4 didn't think anybody would care. I was humiliated and I had  
03:34PM 5 my pills in my hand. Luckily two of my friends were still  
03:34PM 6 awake so they let me sit with him until I was safe enough to  
03:34PM 7 go home and just go to sleep, but I didn't leave my room for a  
03:35PM 8 week.

03:35PM 9 I had to tell that story over and over again for months to  
03:35PM 10 UPD, to the Title 9 coordinator, to a State Police detective  
03:35PM 11 and then eventually the FBI and not to mention countless  
03:35PM 12 friends and family members. You didn't know anything about  
03:35PM 13 me. You didn't know that I struggled with disordered eating  
03:35PM 14 in high school or that I suffer from anxiety and depression.  
03:35PM 15 You didn't know that I was a survivor of rape. And that's why  
03:35PM 16 I took the photos, to feel powerful in my own body again.

03:35PM 17 But I was just an image on a screen to you. Did you know  
03:35PM 18 that people took screen shots of that photo and sent them to  
03:35PM 19 my sorority sisters laughing at me, mocking me because they  
03:35PM 20 thought I was the one who sent it? I can't walk across my  
03:35PM 21 campus anymore without wondering who's seen it. I failed  
03:36PM 22 classes because I was so depressed and I've never done that  
03:36PM 23 before. People keep telling me that I'm so strong and that  
03:36PM 24 I'm so brave, but I don't feel like that. I just feel weak  
03:36PM 25 and small and I've spent the last two years in complete hell



03:36PM 1 all because you wanted naked photos of me because you thought  
03:36PM 2 you had some sort of right to them like I was nothing more  
03:36PM 3 than an image search. I'm more than just that photo.

03:36PM 4 And then I got word that you had been arrested and that  
03:36PM 5 you were pleading guilty and I thought it was finally over.  
03:36PM 6 All that was left was the sentencing. But every time it got  
03:36PM 7 close, it got rescheduled and the rug was getting pulled out  
03:36PM 8 from under me again, first because of scheduling conflicts,  
03:36PM 9 and I understand that that happens, but the last two times  
03:37PM 10 were because of you again.

03:37PM 11 And it felt just like two years ago. It felt like my life  
03:37PM 12 wasn't my own. It felt like I was just a puppet. I mean,  
03:37PM 13 that was all you thought of me as, right? It wasn't enough  
03:37PM 14 that you violated my trust and my privacy and took those  
03:37PM 15 photos. You had to use my body as a lure to get more photos  
03:37PM 16 from my friends, people who trusted me. You have no idea how  
03:37PM 17 dehumanizing that is.

03:37PM 18 I felt powerless and again on the 9th and again on the  
03:37PM 19 16th because of you and your excuses and your games and I hope  
03:37PM 20 you remember that night because I will never be able to forget  
03:37PM 21 it. I'll never just get over this. I don't think you're a  
03:37PM 22 monster. I think that that lets you off too easy. You are a  
03:38PM 23 person. And you did this to another person. And it wasn't  
03:38PM 24 just me. I'm the only one speaking here today, but there are  
03:38PM 25 over 300 people out there, 300 accounts you admitted to

03:38PM 1 accessing, that are just like me. Thank you.

03:38PM 2 MR. KRULY: Judge, we'd ask for a guideline sentence.

03:39PM 3 THE COURT: Okay, Mr. Kruly. I guess if we had any  
03:39PM 4 doubt what the term victim means, it's come graphically to  
03:39PM 5 life in a statement such as that. As I mentioned, I did not  
03:39PM 6 make my mind up entirely with respect to the sentence in this  
03:39PM 7 case and I need a couple of minutes. I've got a couple things  
03:39PM 8 I want to check out.

03:39PM 9 Ms. Sainsbury, can you join me for a moment and bring your  
03:39PM 10 file with you please? It will probably be about 10 minutes or  
03:40PM 11 so.

03:40PM 12 THE CLERK: All rise.

03:40PM 13 (A recess was taken from 3:40 p.m. to 3:59 p.m.)

03:59PM 14 THE CLERK: All rise.

03:59PM 15 THE COURT: Okay. Thank you. Please have a seat.  
03:59PM 16 Okay. Mr. Mondore, I don't want to over dramatize this, but  
03:59PM 17 it certainly cannot be lost on you that this is a serious  
03:59PM 18 crime. And not just for you, but because it's the internet  
04:00PM 19 and because of what that means to other potential  
04:00PM 20 perpetrators.

04:00PM 21 And Ms. Sainsbury and I had a lot to discuss in terms of  
04:00PM 22 some of the questions that I had that have been left  
04:00PM 23 unanswered and are still troubling. And from my standpoint  
04:00PM 24 it's, why would you do something like this? And there are no  
04:00PM 25 answers here. And nobody's really provided that. And a lot

1 of times, it's easier to get a read on somebody, and you're a  
2 difficult read. And you've had probably more contact with  
3 probation than with me and you probably know because I know  
4 you were watching me as I was speaking. I was watching you as  
5 you were speaking. That involves getting a read on each  
6 other. And there are issues of remorse and being sorry for  
7 what has been done.

8 Of course I listened very closely to Ms. Claus and  
9 obviously whoever heard what she said would obviously be moved  
10 by it because it was very personal. This crime is very  
11 personal. A lot of victims. One victim here. I listened  
12 carefully to what she had to say and her vulnerability and her  
13 continued hurt from what took place and her explanation as to  
14 why her photo was where it was. And in hindsight, she  
15 probably wouldn't do it again. And so there were a lot of  
16 considerations here.

17 The guideline is 24 to 30 months. Is the crime serious  
18 enough to warrant a sentence like that? Yes. Is a sentence  
19 like that mitigatable? And I think it is in this case because  
20 of all of the characteristics that are addressed and what  
21 people have said about you.

22 I don't know if what I observed you say and the way you  
23 appeared to me in saying it, was totally sincere. It was  
24 emotional. And I don't know. Sometimes it's a gut feeling  
25 that is determinative, but I can't say I have a comfort level

1 either way and that's going to factor into the sentence in  
2 this case. I have no doubt what you did after listening to  
3 Ms. Claus and putting this together as far as the other  
4 individuals are concerned. I confess I don't understand why  
5 individuals would do what they did to make themselves  
6 accessible, but what you did in my view was reprehensible and  
7 hurtful and personal. And I still don't know why.

8 But I think it boils down to a sentence that emphasizes  
9 both the mitigating and the aggravating circumstances.  
10 Looking at 24 months or 30 months for what you did, yeah, it  
11 could be justified, but in balance, that would be wrong I  
12 think. Recognizing that you are going to be a felon for life,  
13 I think, should give a consoling moment to those that you have  
14 offended because that's not going to go away.

15 And I'm going to put you on supervised release for two  
16 years in addition to some jail time. And in a sense, and  
17 don't take this the wrong way, but you're being sentenced for  
18 being a jerk among other things. And if I read what your  
19 mother said, I don't think she'd disagree with that. And  
20 you've hurt not only people you didn't know, but certainly  
21 people that you do know and that's a low blow in my judgment.

22 This is case is more complicated than just you. It's  
23 complicated because it involves so many offshoots and so many  
24 people that aren't here and I'm comfortable with the sentence,  
25 but I want you to know that you've got a lot to prove. And

04:06PM 1 you will be watched over the course of two years on your  
04:06PM 2 supervised release. I think the circumstances, all tolled,  
04:06PM 3 warrant a departure from the guideline range and I'm going to  
04:06PM 4 sentence you to six months. And every day is tough time when  
04:06PM 5 you're serving a sentence. But if this doesn't teach a lesson  
04:07PM 6 to you and others, I'm not sure what other kind of sentence  
04:07PM 7 would.

04:07PM 8 And you can come out of this a lot better than you are  
04:07PM 9 going in. And I think that's important. And I feel confident  
04:07PM 10 that if you commit yourself to doing what your abilities will  
04:07PM 11 allow you to do, you are going to be a better person after  
04:07PM 12 this is all over. And I don't think you'll be any better  
04:07PM 13 after 6 months or after 30 months if you make up your mind  
04:07PM 14 that that's what you need to do.

04:07PM 15 And you can play the system, you can play me, you can play  
04:07PM 16 those that have confidence in you. But if you do that, you're  
04:08PM 17 going to lose your base. And that doesn't make sense to me.  
04:08PM 18 It just doesn't make sense. You've got to pay the price.  
04:08PM 19 You're man enough to understand that. I think this case  
04:08PM 20 addresses what someone like Ms. Claus has gone through and  
04:08PM 21 others.

04:08PM 22 There will be other conditions. You have to obey the  
04:08PM 23 standard conditions of supervised release. You cannot commit  
04:08PM 24 any other crimes federal, state, or local. You're a convicted  
04:08PM 25 felon. You cannot possess a firearm, ammunition, or a

04:08PM 1 dangerous device. You cannot possess controlled substances.  
04:08PM 2 And you must cooperate in the collection of a DNA sample as  
04:09PM 3 required by the 1994 Crime Control Act of 2004, things that  
04:09PM 4 will make you realize who you are now. Because this offense  
04:09PM 5 occurred after September 13th of 1994, drug testing is  
04:09PM 6 required by the 1994 Crime Control Act.

04:09PM 7 A specific condition is that you shall not use or possess  
04:09PM 8 any computer data storage device or any internet-capable  
04:09PM 9 device unless you participate in the computer and internet  
04:09PM 10 monitoring program of probation or unless authorized by the  
04:09PM 11 Court or the United States Probation Office. You must provide  
04:09PM 12 the probation office advanced notification of any computers,  
04:09PM 13 authorized services or connected devices that would be used  
04:09PM 14 during the term of supervision.

04:09PM 15 The probation office is authorized to install any  
04:10PM 16 application as necessary to surveil all activity on computers  
04:10PM 17 or connected devices owned or operated by you. You will be  
04:10PM 18 required to pay the cost of monitoring services. The  
04:10PM 19 probation office shall be notified via electronic transmission  
04:10PM 20 of impermissible or suspicious activity or communications  
04:10PM 21 occurring on such computer or connected device consistent with  
04:10PM 22 the computer monitoring policy in effect by the probation  
04:10PM 23 office as triggered by impermissible or suspicious activity.

04:10PM 24 You shall consent to and cooperate with unannounced  
04:10PM 25 examinations of any computer equipment owned or used by you.

04:10PM 1 This examination shall include but is not limited to retrieval  
04:10PM 2 and copying of all data from the computers, connected devices,  
04:10PM 3 storage media and any internal or external peripherals and it  
04:10PM 4 may involve removal of such equipment for the purpose of  
04:11PM 5 conducting a more thorough inspection. Any such monitoring or  
04:11PM 6 examinations shall be designed to avoid as much as possible  
04:11PM 7 reading any privileged information or any private material  
04:11PM 8 that is not illegal or reasonably likely to lead to illegal  
04:11PM 9 material or evidence related to illegal activity.

04:11PM 10 You will be required to submit to a search of your person,  
04:11PM 11 property, vehicle, place of residence, or any other property  
04:11PM 12 under your control, based upon reasonable suspicion, and  
04:11PM 13 permit confiscation of any evidence or contraband discovered.  
04:11PM 14 You shall avoid all contact directly or indirectly with any of  
04:11PM 15 the victims in this case.

04:11PM 16 Pursuant to Section 3663(a) of Title 18, you are ordered  
04:11PM 17 to make restitution to the victim in the amount of \$1,124.  
04:12PM 18 The restitution is due immediately. Interest on the  
04:12PM 19 restitution is waived. Restitution will be joint and several.  
04:12PM 20 While incarcerated, if you are in UNICOR or non-UNICOR Grade  
04:12PM 21 5, you shall pay \$25 per quarter. If assigned Grades 1  
04:12PM 22 through 4 in UNICOR, you shall pay installments of 50 percent  
04:12PM 23 of your monthly pay.

04:12PM 24 After considering the factors of Section 3664(f)(2), while  
04:12PM 25 on that two years supervised release, you shall make monthly

1 payments at the rate of 10 percent of your monthly gross  
2 income until your monetary obligation is satisfied. You shall  
3 provide the probation office with access to any requested  
4 personal and/or business financial information. The probation  
5 office is authorized to release presentence and post-sentence  
6 financial information submitted by you to the US Attorney's  
7 Office for the use in the collection of any unpaid restitution  
8 amount.

9 If restitution or a fine is owed, you shall notify the  
10 probation office of any assets received and shall not disburse  
11 your interest in any assets including but not limited to  
12 income tax refunds, inheritance, insurance, lawsuits,  
13 settlements or gambling winnings without approval of the US  
14 Probation Office. While the fine or restitution balance is  
15 outstanding, you shall not incur any form of debt including  
16 but not limited to the use of existing credit cards, new  
17 credit cards, lines of credit, mortgages, or private loans  
18 without the approval of the US Probation Office.

19 The Court finds that you do not have the ability to pay a  
20 fine and I'm going to order that the fine possibility here be  
21 waived. You shall pay a special assessment though of \$100.  
22 That's due and payable immediately. If you're incarcerated,  
23 the payment obligation, if it's not fully paid, will begin  
24 under the Inmate Financial Responsibility Program. You shall  
25 forfeit your interest in the property specifically set forth



04:14PM 1 in section 9 of the plea agreement and that's incorporated  
04:14PM 2 herein and all of that's incorporated in the judgement.

04:14PM 3 It sounds complicated. It's not. It's basic. In my  
04:14PM 4 judgment, this is a fair sentence. It's fair, just,  
04:14PM 5 sufficient, not greater than necessary. You have to make it  
04:14PM 6 turn out right. Nobody else can do it for you. And in my  
04:14PM 7 judgment, it sends the right message to those that have been  
04:14PM 8 injured for what you have done and also those that may have  
04:15PM 9 been contemplating doing something similar. Do you understand  
04:15PM 10 your sentence?

04:15PM 11 THE DEFENDANT: Yes, Your Honor.

04:15PM 12 THE COURT: Okay. Mr. Kruly, anything to dismiss?

04:15PM 13 MR. KRULY: Yes, Judge. The complaint at 20-mj-5176  
04:15PM 14 we move to dismiss.

04:15PM 15 THE COURT: Okay. No objection, Mr. Bagley?

04:15PM 16 MR. BAGLEY: No, Judge.

04:15PM 17 THE COURT: Ms. Sainsbury, did I miss anything?

04:15PM 18 P.O. SAINSBURY: Your Honor, I just want to clarify.  
04:15PM 19 I believe the restitution you ordered was \$1,124. We were  
04:15PM 20 requesting \$1,242. I just want to make sure that number was  
04:15PM 21 correct.

04:15PM 22 THE COURT: I guess my math wasn't that good, so I  
04:15PM 23 will change that to the \$1,242.

04:15PM 24 P.O. SAINSBURY: Thank you, Your Honor.

04:15PM 25 THE COURT: All right. That ends this case. I will

04:15PM 1 allow voluntary surrender. You will be notified. Make sure  
04:15PM 2 you get there on time at your own expense otherwise it becomes  
04:15PM 3 vastly more complicated and it's not likely to be in your best  
04:16PM 4 interest.

04:16PM 5 THE DEFENDANT: Yes, sir.

04:16PM 6 THE COURT: Okay. Thank you very much.

04:16PM 7 MR. BAGLEY: Thank you, Judge.

04:16PM 8 (Proceedings concluded at 4:16 p.m.)  
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I certify that the foregoing is a  
correct transcription of the proceedings  
recorded by me in this matter.

s/ Megan E. Pelka, RPR

Official Court Reporter